

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2009 has been entered.
2. Claims 1-19, 25-33 have been canceled, claims 20-24 have been amended, and new claims 34-40 have been added. Claims 20-24 and 34-40 are pending and have been examined.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Dodd, Reg. No. 46,437 on 2/24/2010. During the interview, it was agreed that amendments to clarify various 35 U.S.C. § 112, second paragraph issues would allow the application to move to allowance.

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The application has been amended as follows:

IN THE CLAIMS

Please amend claims 20-24, 34-39, and cancel claim 40 according to the attached appendix, which is a copy of a fax sent by the Applicant on 2/26/2010, in response to the 2/24/2010 interview.

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Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

The examiner indicated that this application would be in condition for allowance if the independent claims 20 and 34 are each amended to include the features of claim 40 with respect to Just-In-Time processing when no native image is found, and native execution when a native image is found. Further amendments to claims 20, 34, and 39 clarify that the native image repository stores native executables for a plurality of different platforms. The above features, taken in combination with all remaining features of the independent claim are not taught or suggested by the prior art of record. The applicant agreed to amend the independent claims 20, 34, and 39 as indicated by the examiner. The distinctions provided by the independent claims apply equally to all dependent claims. Thus all pending claims 20-24 and 34-40 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES RUTTEN whose telephone number is (571)272-3703.

The examiner can normally be reached on M-F 10:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Derek Rutten/
Primary Examiner, Art Unit 2192